

Amendment Under 37 CFR 1.111
U.S. Application No. 09/890,893

AMENDMENTS TO THE DRAWINGS

Replacement Figure 1

Attachment: Replacement Sheet(s)

REMARKS

Claims 1-12 are all the claims pending in the application. Claims 1, 2 and 6 are amended.

Claim Objections

Claims 1-12 are objected to because of several informalities identified in claims 1, 2 and 6. The Examiner kindly suggests changes in several instances. These changes have been adopted. Further, there also is an amendment to claim 6, so that it now references "*wherein data shared between the electronic identification means*" instead of the previous "*the data*". Thus, the objection should be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1 and 9-12 are rejected under 35 U.S.C. § 102 on the basis of the teachings of several references. In particular, the Examiner relies upon Hair et al (3,673,331) and Kunihiro (5,014,295) for a rejection under Section 102(b). Further, the Examiner relies upon Wolf (5,737,393) for a rejection under Section 102(a). Finally, the Examiner looks to Laitinen et al (6,091,826), Kanevsky et al (5,953,700) and Buhrmann (6,405,032) for a rejection under Section 102(e). These rejections are traversed for at least the following reasons.

In response to the examiner's novelty objections, claim 1 has been amended to reference that the access control device "*controls access to a physical area or region*". Applicants note that the prior art documents cited by the Examiner do not relate to access control devices controlling physical access (i.e., by the body of a person) to a physical area or region, as is integral to Applicants' implementation of this technology. Applicants respectfully submits that the term "*access control device*" in the specification clearly refers to controlling physical access to a physical area or region.

Applicants respectfully submit that the amended claims now clearly define the invention as an access control device which is used for physical security measures to control access to a physical area or region. Applicants respectfully submit that one skilled in the art would clearly understand the scope of the present invention as defined in claim 1 and as supported by the text of the original specification as defining a device that is different from the cited art.

The prior art cited refers to virtually accessing a system or computer. None of the documents relate to the real life application of allowing a person bodily or in vehicle into a

restricted area. The invention as claimed relates to an improved security device which allows improved ways of identifying a person before they are physically allowed into an area or region. The invention as claimed allows the person to be granted access to the area to be identified by electronic means or by communicating through an audio device. This offers many advantages over the prior art, as it allows increased flexibility in the system, controlled access to an area and improved identification means for security applications.

Specifically, in regards to the prior art cited by the examiner:

- **Hair et al (US 3,673,331)**

Applicants note that this reference relates to a transactional device, not an access control device. The device controls access to a retail transaction, not a physical area or region, as defined in the amended claim set.

- **Kunihiro (US 5,014,295)**

The reference refers to access data being transmitted from a master station to plurality of remote stations. Therefore, it does not refer to an access control device controlling access into a physical area or region.

- **Wolf (US 5,737,393)**

This reference refers to a voice mail system which plays "audio clips". Applicants assert that this reference does not disclose an access control device controlling physical access by a person into an area or region.

- **Laitinen et al (US 6,091,826)**

This reference refers to a targeted loud speaker message system. Applicants respectfully submit that this reference in no way relates to an access control device, as the loud speaker system does not control access to an area region as claimed in amended claim 1.

- **Kanevsky et al (US 5,953,700)**

This reference refers to a cordless phone system. Applicants submit that amended claim 1 is not anticipated by this citation, as it does not refer to physically accessing an area or region.

- **Buhrman (US 6,405,032)**

This **citation** refers to achieving a voice mail by use of dedicated function keys on a phone unit. Applicants assert that this technology relates to a mobile phone, not an access control device controlling access to an area region, as claimed in amended Claim 1.

Claim 2 is are rejected under 35 U.S.C. § 102 on the basis of the teachings of several references. In particular, the Examiner relies upon Hair et al (3,673,331) for a rejection under Section 102(b). Further, the Examiner looks to Laitinen et al (6,091,826) or Kanevsky et al (5,953,700) for a rejection under Section 102(e). These rejections are traversed for at least the foregoing reasons based upon the absence of any control of physical entry by a person or vehicle to a controlled region or area.

Claims 3 and 5 are rejected under 35 U.S.C. § 102 on the basis of the teachings of several references. In particular, the Examiner relies upon Wolf (5,737,393) for a rejection under Section 102(a) and Buhrmann (6,405,032) for a rejection under Section 102(e). These rejections are traversed for at least the foregoing reasons based upon the absence of any control of physical entry by a person or vehicle to a controlled region or area.

Claim 4 is rejected under 35 U.S.C. § 102 on the basis of the teachings of Kunihiro (5,014,295) for a rejection under Section 102(b). This rejection is traversed for at least the foregoing reasons based upon the absence of any control of physical entry by a person or vehicle to a controlled region or area.

Claim 6 is rejected under 35 U.S.C. § 102 on the basis of the teachings of Wolf (5,737,393) for a rejection under Section 102(a). This rejection is traversed for at least the foregoing reasons based upon the absence of any control of physical entry by a person or vehicle to a controlled region or area.

Amendment Under 37 CFR 1.111
U.S. Application No. 09/890,893

Claim 7 is rejected under 35 U.S.C. § 102 on the basis of the teachings of several references. In particular, the Examiner relies upon Kunihiro (5,014,295) for a rejection under Section 102(b). Further, the Examiner relies upon Wolf (5,737,393) for a rejection under Section 102(a). Finally, the Examiner looks to Laitinen et al (6,091,826) for a rejection under Section 102(e). These rejections are traversed for at least the foregoing reasons based upon the absence of any control of physical entry by a person or vehicle to a controlled region or area.

Claim 8 is rejected under 35 U.S.C. § 102 on the basis of the teachings of several references. In particular, the Examiner relies upon Kunihiro (5,014,295) for a rejection under Section 102(b). Further, the Examiner relies upon Wolf (5,737,393) for a rejection under Section 102(a). Finally, the Examiner looks to Kanevsky et al (5,953,700) and Buhrmann (6,405,032) for a rejection under Section 102(e). These rejections are traversed for at least the foregoing reasons based upon the absence of any control of physical entry by a person or vehicle to a controlled region or area.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Alan J. Kasper
Registration No. 25,426

Date: September 19, 2005